



## U.S. Environmental Protection Agency Region 4 Information Access Office



### **Important Information Regarding the Processing of Your FOIA Request**

Thank you for your Freedom of Information Act (FOIA) request to EPA Region 4. Efficient and timely processing of your request is important to us and we welcome any questions or concerns you may have regarding the handling of your request. We encourage you to learn more about the FOIA policy and guidance at <http://www.epa.gov/foia/reference.html>.

Below is important information regarding the processing of your request which will assist you with understanding the response process.

#### **Overview:**

The EPA Region 4 Information Access Office processes FOIA requests for records specifically related to matters under the oversight of Region 4. EPA has a National FOIA Office located at its headquarters in Washington, D.C. and ten Regional FOIA offices in major metropolitan areas across the country. If you seek a record that may be in possession of EPA dealing with hazardous waste contamination on a specific site, you would address your request to the [EPA Regional FOIA office](#) that covers the state in which the site is located. You may also be able to find the information you need on an EPA Web site without making a FOIA request. Before making a FOIA request you should browse [EPA's home page](#) for information that is already available to the public.

The FOIA applies only to federal agencies and does not provide a right to records held by Congress, the courts or to records held by state or local government agencies. States and local government agencies may have their own laws governing access to their records. You will need to contact them directly to request access to their records.

The FOIA does not require agencies to conduct research, analyze data, answer written questions, or create records in order to respond to a request.

There are nine exemptions under which EPA can withhold or deny records in part or in full.

1. Matter of National Defense or Foreign Policy
2. Internal Agency Rules - records related solely to the internal personnel rules and practices.
3. Information Exempted by Other Statutes
4. Trade Secrets, Commercial or Financial Information (Confidential Business Information).
5. Privileged Inter-Agency or Intra-Agency
6. Personal Privacy
7. Records or Information Compiled for Law Enforcement Purposes
8. Records of Financial Institutions
9. Geological and Geophysical Information and Data Concerning Wells

### **Tracking the Response to Your Request:**

On October 1, 2012 [FOIAOnline](#) was implemented as the premier FOIA tracking and processing tool for the EPA and other participating agencies. We encourage you to explore the benefits of using [FOIAOnline](#), which enhances your ability to perform related functions such as submit FOIA requests, track progress, search other requests, access previously released responsive documents and file appeals.

Upon completion of your request, an email will be generated to you through the [FOIAOnline](#) tracking system notifying you of the closure of your request. All online notifications will be followed by a response signed by the designated signature authority, which will be sent to you through the U.S. Postal Service. When practical, the responsive records will also be available to you through [FOIAOnline](#). If the responsive records are not made available through [FOIAOnline](#), they will be mailed to you on CD-ROM or hardcopy.

Additional information regarding FOIA processing at EPA Region 4 may be viewed at the following URL's: <http://www.epa.gov/region4/foiapggs/> and <http://www.epa.gov/epafoia1/foiaregs.htm>.

### **Response Timeframe:**

The Agency has twenty (20) working days to respond to your request. This processing time may be extended under 5 U.S.C. § 552(a)(6)(B) due to unusual circumstances that exist which would require an extension of the processing time or should you agree to an alternate due date based on extenuating circumstances. If an extension of time is required, the FOIA Specialist assigned to process your request will coordinate with you accordingly. You may learn more about the response timeframe at <http://www.epa.gov/epafoia1/foiaregs.htm>.

### **Expedited Processing:**

Under certain conditions, you may be entitled to have your request processed on an expedited basis, i.e., within 10 calendar days of the date on which the request was received. However, in an effort to treat all requesters equitably, EPA will expedite a FOIA request only in cases in which there is a threat to someone's life or physical safety and/or the requestor is primarily engaged in disseminating information and has established that the request is urgently needed to inform the public concerning some actual or alleged government activity. You may learn more about expedited processing at Ref: [www.epa.gov/foia/2104.htm](http://www.epa.gov/foia/2104.htm) or [www.epa.gov/epafoia1/2104.htm](http://www.epa.gov/epafoia1/2104.htm).

If you have requested expedited handling, your request will be forwarded to the [U.S. EPA National FOIA Office](#) in Washington, D.C. for consideration and direct response to you. If approved, notification will be provided to the Region 4 FOIA Office through FOIAOnline. However, we recommend you notify the FOIA Specialist processing your request immediately in order to avoid delay.

**Applicable Fees:**

You may include in your request a specific statement limiting the amount that you are willing to pay in fees. If you do not do so, EPA will assume that you are willing to pay fees up to \$25.

The FOIA Specialist assigned to process your request will call or email you with a fee estimate for the requested records if the estimated cost to process your request is over \$25.00. They will ask for your written approval before processing your request further. There is no charge for requests that incur fees up to \$14.00. Written assurance of payment of fees above \$25.00 is required before commencement of any work and advanced payment of fees above \$250.00 may be required before commencement of any work. If prepayment is required, a notification with an invoice will be provided to you by this office.

You may learn more about fee processing at: <http://www.epa.gov/epafoia1/2107.htm>.

**Fee Categories and Schedule:**

When fees are assessed, your request will be placed in one of the following four categories and the following rates will be applied to the fee assessment:

**COMMERCIAL USE REQUEST:** Requester charged for search, review and duplication cost.

**EDUCATIONAL NON-COMMERICAL SCIENTIFIC INSTITUTIONS:** Requester charged for duplication cost excluding first 100 pages.

**REPRESENTATIVE OF THE NEWS MEDIA:** Requester charged for duplication cost excluding the first 100 pages.

**ALL OTHER REQUEST:** Requester charged for search and duplication time excluding the first two (2) hours of search time and the first 100 pages of duplication.

Search, Review, and Duplication Charges			
Item	Clerical Staff	Professional Staff	Manager
Manual Record Search Time	\$4 per 15 minutes	\$7.00 per 15 minutes	\$10.25 per 15 minutes
Computer Record Search Time	\$4 per 15 minutes	\$7.00 per 15 minutes	\$10.25 per 15 minutes
Review of Records	\$4 per 15 minutes	\$7.00 per 15 minutes	\$10.25 per 15 minutes
Duplication of Documents	\$.15 per page		
Authentication of Records	\$25.00 per each record authenticated		

**Fee Waiver:**

Any FOIA requester may request that EPA waive all fees associated with the request. The request for the fee waiver must be submitted with the FOIA request. (See EPA's Freedom of Information Act (FOIA) regulations at [40 C.F.R. § 2.107](#) which describes the process and standards EPA uses to review fee waiver requests.)

Upon receipt of a fee waiver request, this office will forward the request to the [U.S. EPA National FOIA Office](#) in Washington, D.C. for processing. The National FOIA Office will send you a letter seeking information on [six factors](#). The National FOIA Office will grant a fee waiver request if the requester adequately shows, based on all available information, that (1) disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and (2) is not primarily in the commercial interest of the requester. The National FOIA Office considers fee waiver requests on a case-by-case basis. EPA is not allowed to give fee waivers to requesters on a class basis.

**Payment Information:**

If payment is required, it should be made through debit, credit card, check or money order, payable to the United States Environmental Protection Agency. In accordance with U.S. Treasury (I IFM 6-8000) and the Debt Collection Act of 1982, payment is due within 30 calendar days of the bill date. If not received within 30 days, interest at the rate of 1%, which begins to accrue from the date of the bill through the date of payment, will be assessed. A late payment handling charge of \$15.00 will be imposed after 30 days with an additional charge of \$15.00 for each subsequent 30 day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date. If you choose to make payment by debit or credit card, please do so by registering with [www.pay.gov](#) and selecting the EPA Miscellaneous Payment Form (SFO 1.1). If you prefer to pay by check or money order, please make it payable to U.S. Environmental Protection Agency, FOIA and Miscellaneous Payments, Cincinnati Finance Center, P.O. Box 97907, St. Louis, Missouri, 63197-9000. To ensure proper credit of your payment, please write the Freedom of Information Act case reference number on your check or money order and include the enclosed invoice.

**Questions and Concerns:**

If you have questions regarding the processing of your request, please contact the FOIA Specialist assigned to process your request as indicated in the acknowledgment email.

If you have concerns regarding the processing of your request, please contact LouAnn Gross, Chief, Information Access Section, (404) 562-9642 or [gross.louann@epa.gov](mailto:gross.louann@epa.gov).